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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/512,027	10/19/2004	Russell Phillip Blake		6906

7590 12/12/2005  
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EXAMINER

MENDIRATTA, VISHU K

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

*Claim limitations are run-on sentences with no clear meaning*

For example in claim 1, limitation "each said piece being simultaneously.....are the element 9" is not tangible and appears to be rules for playing.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 rejected under 35 U.S.C. 102(b) as being anticipated by Hardenstein (1666448).

Hardenstein teaches game pieces with number indicia in four sections (Fig.1C-F).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-20 rejected under 35 U.S.C. 103(a) as obvious over Hardenstein (1666448).

Hardenstein teaches game pieces with number indicia in four sections (Fig.1C-F) on face. The only difference between applicant's tiles and cited tiles resides in meaning and information conveyed by printed matter not considered patentable Ex. Parte Breslow 192 USPQ 431.

In order to aesthetically appeal to potential players, it would have been obvious to modify game piece faces by printing attractive indicia.

One of ordinary skill in art at the time the invention was made would have suggested modifying face indicia to attract potential players.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 2383081,490689.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K. Mendiratta whose telephone number is (571) 272-4426. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vishu K Mendiratta  
Primary Examiner  
Art Unit 3711

A handwritten signature in black ink, appearing to be 'Vishu K Mendiratta', written in a cursive style.

VKM  
December 8, 2005